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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,629	02/07/2002	Richard J. Meckstroth	01-21	2348

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MIAMISBURG, OH 45342

EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

10/071,629

Applicant(s)

MECKSTROTH, RICHARD J.

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1 1/2. 6) ☐ Other:

### **DETAILED ACTION**

This is the first action relating to serial application number 10/07,629, filed 02-07-2002.

Claims 1-20 are currently pending.

#### ***Drawings***

1. The draftsman has approved the drawing filed with this application as formal drawing.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: In page 3, line 16, the line 3-3 is in fig.2 and not fig. 3. Therefore, "FIG. 3" should be --FIG. 2--.
3. The use of the trademark "Kevlar" in page 1, has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 13 and 19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not fully describe what constitutes the chamber and the stroke of the tensioner. It would not have obvious to one skilled in the art to understand how the chamber can be a combination of the stroke of the tensioner and the width of the valve.

7. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear and confusing how a belt transmission comprises an engine.

***Claim Rejections - 35 USC § 103***

8. Claims 1, rejected under 35 U.S.C. 103(a) as being unpatentable over Williams ('947) in view of Hama et al. ('662). Williams discloses a tensioner comprising an arm (24), which includes a belt engaging pulley (26) at one end and a drum section at an other end, a support member (22) that secures the tensioner, a spring (28) pivotally urging the arm to against a belt, a fluid containing chamber located in the drum and a valve attached to the tensioner in the fluid chamber. Williams does not disclose that the valve is pivotally attached to the tensioner. Hama et al. discloses a valve pivotally (20) attached to the inner section of a fluid chamber in order to allow smooth changeover operation and to lower the resistance against the flow path change over operation. Therefore, it would have been obvious to one of ordinary skill at the time of the invention

to modify Williams device so that the valve is pivotally attached to the chamber in view of Hama et al. in order to allow smooth changeover operation and to lower the resistance against the flow path change over operation of the arm.

In claim 2, Williams shows the sealing device (not labeled in fig. 2)

In claim 3 it is apparent that the valve depends on the weight to move from a closing to an opening position.

In claim 4, note the valve of Williams is biased by a spring (42).

In claims 6-8, Williams discloses the valve is coupled to the drum section and the chamber moves with respect to the valve so as to open and lock flow of fluid.

In claim 9, note the hub (23).

In claim 10, note the belt engaging section (26) is a pulley.

In claims 11-12, it is apparent that an amount of fluid will leak after the valve locks against the tensioner.

In claim 14-18, it is apparent that the method steps would be inherently included during the manufacturing of Williams in view of Ham et al. device.

In claim 20, note the power transmission (figs. 1 and 2) of Williams.

### ***Conclusion***


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dinca et al.('091), Yamamoto et al.('689), Church('587), Hirabayashi et al.('767) and JP(02-245556) disclose a hydraulic tensioner with a fluid chamber biasing a pulley to tension a belt. Mahr et al.('902) and Henning('792) discloses a valve pivotally attached in fluid chamber to open and close the chamber.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
Marcus Charles  
Examiner  
Art Unit 3682  
April 4, 2003